E & P. H (193 6) Department.

Mg SERIES.

G.O. No. 4519. P. H.

DATED 17. 12. 36

[Despatch Abstract]

Gratuity - Mangalore Mrs et
Late. nursing. orderly (Sr.
Paramesvara) - Payment
to the widow -
Sanctioned

Local Administration **DEPARTMENT.**

46867

Received ..... 19 *Registered* 19

Subject.

Gratuity - Payment of - To Ward Attendant - Sanction sought for.

ENCLOSURES.
No. .....
.....
Spare copies .....

Ref.C. No.854/B1-38

Station Mangalore, *Dated the* 17th October 1938

From (Name) Sri K. Govindarajulu Naidu, B.A.,
(Designation) Commissioner, Municipal Council, Mangalore.

To The Secretary to the Government of Madras,
Education and Public Health Department.
Through The Chairman, Municipal Council, Mangalore.
Fort St. George, Madras.

Sir,

The Municipal Council has sanctioned the payment of a gratuity of Rs.32/- to one ward attendant, by name U. Parameshwara (a copy of Res.No.4, dated 10-10-'38 enclosed). He was the ward Attendant of the Wenlock Hospital from the 11th January 1909 till 31st March 1919, when the Hospital was under the management of the Council. His widow claims a gratuity for the services put in by him when he was in Municipal employ. I request that Government may be pleased

p4 infra

to sanction the payment of the gratuity. A copy of my note to the Council is also enclosed.

Commissioner, M.M. 25/7/38

F o r w a r d e d

The servant was governed by aliya-santana Law and usage. According to the High Court Decisions marriage under Aliyasantana Law does not give rise to mutual rights and obligations and is, to put it rather plainly, purely concubinage. The husband may give up the wife at any time and the wife may give up the husband at any time without any restrictions. The Government may, therefore, be pleased to decide whether rule 13 of the rules issued in G.O.No.4024, dated 28.10.'37 (L.A. Dept.) antitles the wife of a servant governed by Aliyasantana Law to claim the gratuity.

A

B

C

Chairman, M.C.

Compd/ 25.10.

CMS/24-10.

DESPATCHED
26. OCT. 1938

Commissioner's Note.

Subject: Gratuity - grant of - to late U.Parameshwara - ward attendant - Wenlock Hospital, Mangalore.

The widow of U.Parameshwara, who was the ward attendant of the Wenlock Hospital has applied for gratuity for the service put in by her husband when he was in Municipal employ as a ward attendant from 11th January 1909 the date of his entertainment till 31st March 1919 the date immediately preceding the transfer of the Wenlock Hospital from the Municipality to Government. As per G.O.No.945L.&.M. dated the 7th March 1935 the services of a ward attendant has to be considered as inferior services for the purposes of gratuity. His services under the Municipality count 10 years 2 months and 21 days during which period he has not take any leave on loss of pay, nor any punishment recorded in his service register.

There were similar requisitions in the past from ward attendants and compounders of the Wenlock Hospital and they were paid gratuities due to them for their services under the Municipality after obtaining individual sanction of Government in each case.

The widowof U. Parameshwara who now claims gratuity is eligible to draw a gratuity of Rs 32/- being 4 months pay at Rs 8 per month the pay he drew on the date of the transfer of the Hospital to Government under rule 9 of the appendix to G.O.No.402 dated the 28th October 1937. The prescribed form is put up. The gratuity may be paid with the sanction of Government.

Commissioner,M.M.
20/10/38

Compd/ 20.10

DESPATCHED
26. OCT. 1938

Extract from the Proceedings of the Mangalore Municipal Council dated the 10th October 1938.

x x x

4. Read gratuity application in respect of the services of U.Parameshwara, late ward attendant of the Wenlock Hospital and the Commissioner's note that gratuity of Rs. 32/- may be sanctioned and paid to his widow.

Payment of a gratuity amounting to Rs. 32/- to ~~the~~ the late Sri. U.Parameshwara is sanctioned. This sum will be paid to his widow.

x x x

Sd./ B. Venkatarao Baliga,
Chairman,M.C.

/True Copy/

Commissioner,M.M.
20/10/38

Compd/ 20.10

E P. Dept

Cro. 46867. From the Commr, Mangalore Mly

Ref. C. No. 854/B1-38. Dt. 17. X. 38.

Subject

Gratuity - Mangalore ML. Cl. -
Payment to ward attendant.

The Mangalore ML. Cl. has proposed the payment of a gratuity of Rs 32 to V. Parameshwara, ward attendant, who served in the Wenlock Hospital from 11. 1. 1909 till 31. 3. 1919, when the hospital was under the management of the ML. Cl. As he put in a service of 10 years, he is entitled to a gratuity equivalent to four months' pay which is Rs 32 in the present case. It is proposed to pay the amount to his widow. The Chairman has raised the point whether, in the circumstances stated by him, the wife is entitled to the gratuity.

2. Rule 13 of the rules relating regulating the grant of gratuities by ML. Cls to their servants lays down that where a servant dies, his family may, if the ML. Cl is satisfied that it is in needy

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1000 4024 dt. 28. X 37

p3 of (C)

circumstances, be paid the gratuity admissible to the servant. In the explanation to this rule, the word "family" has been defined as including the servant's wife, his legitimate children including an adopted one, step-children residing with and wholly dependent on him and also his parents, sisters and minor brothers etc. In the present case, tho it is seen that the wife, though placed in peculiar circumstances by the law governing her marriage, has remained faithful to her husband and it seems she is entitled to the gratuity. Further, tho it is the rule that should satisfy itself regarding the payment of gratuity to the legal heir. In the circumstances it is for consideration whether the gratuity may be sanctioned subject to the condition that the payment is made after ascertaining that the widow in question is the legal heir of the Ml. servant. Legal may be consulted.

vide p 2 ✓

Yes. this is the point on which orders are required.

10/11

Sg — —

Sd / 10/11

8/11 JBM 9/11

Sec — de Galw — C 28-NOV-38 46867-1 D52 p. 11 14.11.38

Legal — ASI — 7796

13/11/38

The mere fact that under the Aliyasanthana law, the marriage does not give rise to mutual rights and obligations as between the parties to the marriage or that it is terminable at any time at the will of either party, does not seem to render the description "wife" inappropriate in the case of the female spouse. Even step-children are included within the scope of the expression "family" used in rule 13 of the rules

(C) at page 3 of G.O.No. 4024, Local Administration, dated 28th October 1937. In the circumstances, there seems to be no objection to putting a liberal interpretation on the rule and paying the gratuity to the widow in this case.

K.M.
9/XII/38

Yes
9/12/38 S

Legal 7796-1
10-12-38

E.B.M.

Please see the remarks of the Legal Dept above.

2. A draft order is submitted for approval.

53469

12/12

13/12

14/12

Yes

16/12/38

3/17/12

8

To P. H. Dept

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined ..		
When signed ..		
When despatched.		

SUBJECT:— Gratuity — Mangalore Md. Cl — late nursing orderly (U. Paramesh-wara) — Payment to the widow Sanctioned.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

C- No. 46867 From the Commr, Mangalore No. 824/21/38 dated 17.X. 1938.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

Order / Resolution — Ms. / Rout. No. 4519 P.H dated 17 . 12 . 19 38.

Sp

The Govt sanction the payment by the Mangalore Md. Cl of a gratuity of Rs 32 (Rupees thirty-two only) to the widow of U. Parameshwara, late ward attendant. ~~Sptic Nasim/Asst~~

Do 17/12

PH 13/12.

Do 14/12

CM 16/12/38

Do

The Commr, Mangalore Mdg

Thro' the Chairman 17/12/38